



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
COMPLIANCE AND ENFORCEMENT

March 7, 2011

MEMORANDUM

SUBJECT: Timber Products Co. Medford – TRI 2009 Non-Reporters Initiative – Investigation Conclusion

FROM: Graham Kim

A handwritten signature in cursive script, appearing to read "Graham Kim", followed by a large, stylized initial "K".

TO: File

Timber Products Co. Medford (Timber Products) is a TRI facility located in Medford, Oregon that was identified by EPA HQ as part of a national initiative targeting facilities that reported to TRI for calendar year 2008 but not 2009. Timber Products has reported to TRI for methanol and formaldehyde each year since 1995. EPA Region 10 mailed an Information Request Letter to Timber Products on March 2, 2011 to obtain information regarding the facility's failure to report to TRI for calendar year 2009.

I was contacted on March 4, 2011 by John Emery, the technical contact listed by Timber Products in the facility's TRI reports for the last several years. John informed me that Timber Products had reported to TRI for calendar year 2009 for both methanol and formaldehyde but the forms had been filed late, on September 7, 2010. John told me Timber Products submitted the 2009 reports electronically through CDX and received confirmation that the reports had been entered into the TRI database on November 17, 2010.

While on the phone with John, I checked Timber Products' reporting history using EPA's online Envirofacts database. Envirofacts clearly showed that Timber Products had submitted TRI reports for methanol and formaldehyde for calendar year 2009 on September 7, 2010. I then told John he would not need to respond to the Information Request Letter and that I would send an email documenting our discussion for Timber Products' records.

After my discussion with John, I briefly explored why a facility that reported to TRI (albeit late) was included on the list of non-reporters developed by EPA HQ. The HQ targeting list was sent to the regions on December 9, 2010, well after the reports from Timber Products were entered in the TRI database on November 17, 2010. I concluded that the list of non-reporters must have been pulled from the TRI database prior to November 17, 2010 and the list was not double-checked later, either by HQ or Region 10, before contacting Timber Products.

Finally, even though Timber Products did report to TRI for calendar year 2009, the reports were filed late, on September 7, 2010. While failing to report to TRI on time is a violation of the TRI reporting requirements, EPA Region 10 is choosing to employ enforcement

discretion and not pursue an enforcement action at this time for Timber Products' late reporting for calendar year 2009 for the following reasons: 1) The 2009 reports, though filed late, were included in the TRI database prior to the Public Data Release for reporting year 2009, which occurred on December 16, 2010 so the reporting data from Timber Products was still made available to the public at the same time as the data from facilities that reported on time. 2) The penalty for a facility like Timber Products for filing two reports approximately 60 days late would be relatively small and unlikely to be as much as the cost to EPA in staff time spent to recover such a penalty.